

EPA PROJECT OFFICER POST-AWARD EVALUATION PROTOCOL
(USED FOR ADVANCED AND BASELINE MONITORING)
CHESAPEAKE BAY PROGRAM OFFICE (CBPO)

To prevent potential problems with the Paperwork Reduction Act, Project Officers should not give this protocol to the recipient or direct the issues as questions to the recipient.

BACKGROUND INFORMATION (PART 1)

MID YEAR/SIX MONTH: ____ CLOSEOUT: <u> X </u>	GRANT NUMBER(s): CB97377601	
1. DATE PREPARED: 4/07/15	2. RECIPIENT NAME: PA Dept of Environmental Protection	
3. ENTER ALL DATES: a. OFF-SITE CONFERENCE CALL DATE: 4/07/15 b. ON-SITE REVIEW DATE: NA (enter date if applicable, otherwise N/A) c. REPORT DATE: 4/07/15 (Date Report Sent by Email to Grantee) d. CLOSED DATE: 4/16/15 (Date all major issues resolved, if applicable, otherwise this date is same as Report Date.)	4. PROJECT OFFICER(s): PARTICIPANTS/PERSONS CONTACTED: (Names /Affiliations) -EPA: Holly Waldman, CBPO - GRANTEE: Steve Taglang, Dave Lewis, Fred Fiscus, and Gay Kreiser, PA DEP	
5. <u>AWARD INFORMATION</u> Grant <u> X </u> Cooperative Agreement ____	6. <u>PROJECT / BUDGET PERIOD DATES:</u> <div style="display: flex; justify-content: space-between;">BEGINNINGENDING</div>	
	Project Period: 7/01/2009	12/31/2014
	Budget Period: 7/01/2009	12/31/2014
7. <u>AWARD AMOUNT</u> EPA share: \$11,385,000 Recipient share/Match: \$11,385,000 EPA IN-KIND: NA Total: \$22,770,000	8. <u>BRIEF PROJECT DESCRIPTION:</u> This grant agreement aids the recipient in the implementation of BMPs that reduce nutrient and sediment pollution in PA's portion of the Chesapeake Bay watershed. This work will achieve and maintain the water quality necessary to improve the aquatic living resources of the Bay and it's tributaries.	

BACKGROUND INFORMATION (PART 1) CONTINUED

9. PROVIDE BRIEF DESCRIPTION OF RECIPIENT:

Provide Background Information of Recipient, i.e. State Agency, University, Local Government, and Not For Profit. Background Information may be included in Statement of Work. (Example: This is a “Not For Profit” membership organization representing a broad coalition of interests united in support of the conservation, protection and restoration of the Potomac River watershed.....). If background information is not included in the Statement of Work, request recipient to e-mail their description to you.

Response: The state of Pennsylvania is a signatory to the 1983, 1987, 2000 Chesapeake Bay Agreement, and 2014 Chesapeake Bay Watershed Agreements. DEP is the lead state agency for implementing Bay restoration and water quality improvement activities in the Potomac and Susquehanna river basins.

10. DISCUSS PREVIOUS RECOMMENDATIONS/CONCERNS/OPEN PROGRAMMATIC FINDINGS, IF ANY EXIST; ARE THEY OR WILL THEY BE REMEDIED?:

a. Open Programmatic Findings in Last Monitoring Review (Refer to Part II, Item 7, PO Suggestions and Recommendations). If applicable, are there any open programmatic findings for this Award in last monitoring review (could not provide a “closed date” on last monitoring review report because of major finding(s))? Provide date of resolution and explanation on how finding(s) have been resolved.

Response: NA

RESULTS OF REVIEW WITH RECOMMENDATIONS (success & findings) - PART II

1. Scope of Review: Summarize the purpose of your review.

If appropriate, list issues that will be raised for resolution during the review (e.g., need response on why the recipient spent half of the grant award and hasn't produced a literature review).

Response: Conduct a six-month review to assess progress toward achieving commitments as outlined in the workplan and ensure that all deliverables have been submitted and approved as required to date.

2. Financial: POs are responsible for:

>Analyzing the budget information in the reports by reviewing the payment history (using recipient progress reports, Financial Status Reports, or Compass Data Warehouse reports) and comparing actual amounts spent against the planned budget in the work plan.

>Providing rebudget approval to the Grants Specialist on the recipients request to rebudget grant funds or on other actions which require prior approval from EPA.

PO to Review, Discuss, and Respond:

a. Has the recipient begun work under this assistance agreement? If no, provide explanation.

Response: Yes, but all their money has been spent. This is a closeout review of the award.

b. How is this award funded ? (Fully, Incrementally, Supplementary)

Response: Incrementally

If response is incrementally funded then complete the following questions:

- **Have all increments been funded?**

Response: Yes

Enter an explanation: This is a multi-year (5 year) award which ended December 31, 2014. (BP/PP = 7/01/09 – 12/31/14).

- **The current total funding for this award, which includes the incremental funding:**

If response is for *supplementary funded* awards, complete the following information:

- **Amount the Recipient has received in supplemental funding:**

Response: NA

- **The current total funding for this award, which includes the supplemental funding:**

Response: NA

c. Ensure funds are available to complete the project:

Answer the following:

*Amount of EPA funds awarded: \$11,385,000

*Amount of EPA funds paid: \$11,385,000

*Remaining Balance: \$0

% of Project Completed: 100%

% of Funds Paid: 100%

* Information found on Compass Data Warehouse Report at

<http://ocfosystem1.epa.gov/neis/adw.welcome>

d. Is the recipient making draw-downs on this award in accordance with the workplan since the award date or last monitoring review?

Response: Yes – the recipient has made 44 draw-downs since the 4/22/14 monitoring review.

e. Is the payment history consistent with the progress to date?

Response: Yes

f. Do the drawdowns seem reasonable and capture the progress to date based on the project duration and workplan?

Response: Yes

g. Is the remaining funding on this award necessary to complete the project?

Response: NA. This project ended 12/31/14. They have \$0 balance.

h. Verify with recipient if there is enough funding in place to cover expected costs? If no, provide explanation. (Contact either Lori Mackey or Holly Waldman for assistance to possibly add funds)

Response: NA. Award has been closed.

i. Are the Project/Budget Period(s) long enough to cover the time that it will take to complete the project? If no, provide explanation.. (Contact either Lori Mackey or Holly Waldman for assistance prior to requesting time extension request from recipient.)

Response: NA

j. Does the recipient's most current EPA approved work plan require any PO/Grant Office

approvals/amendments for cost or activities not included in the original award? Respond to the following:

- **Movement/transfer of funds in grantee's total approved budget more than 10% between cost categories.**

Response: No, not within the last 6 months.

- **Re-budgeting between direct and indirect costs (Part 30 or 31 recipients only).**

Response: No, not within the last 6 months.

- **Changes to equipment costs not included in the most current approved work plan.**

Response: NA

- **Changes in key personnel.** (Ex: Has turnover in staff caused delays in completing the funded activities?) Yes or No response required. Also, note if the changes were either 1) approved and recipient notified; or 2) conditionally approved and recipient notified; or 3) denied and recipient notified.

Response: Yes. Pat Buckley (PA primary staff person for EPA/CBP) left the recipient agency January 24, 2014. Kristin Wolf replaced Ms. Buckley as the EPA/CBP coordinator. Ms Wolf joined the team July 2014.

- **Food or refreshments at events not identified in most current approved work plan.**

Response: No

- **Unplanned travel expenses not identified in most current approved work plan.**

Response: No

- **Changes in the project's approved scope of work.**

Response: No

3. Technical: POs are responsible for:

- > *comparing the recipient's work plan/application to actual progress under the award.*
- > *monitoring all activities and the recipient's progress on the project.*
- > *providing comments to the recipient on the progress reports and other work products.*
- > *apprizing program staff who are responsible for parts of the project/program on issues which need resolution.*
- > *recommending actions that require the attention of Grants Office or others.*

a. List work plan/application tasks, compare to actual work progress, and identify areas of concern cited in the progress report. Provide a summary of each task and current status:

Objective 1	Program Management, Evaluation and Planning	Budget for this Objective:	Total: \$3,778,063 (through 6/30/2014) EPA Share: \$340,909 Non Federal Share: \$3,437,155
Progress for this Objective	<u>Outputs</u> <u>Activities for the July 2014 – December 2014 period.</u> <u>Administrative</u> <ul style="list-style-type: none"> Submitted 2014-19 CBIG Application to EPA on July 8, 2014. Submitted Semi-Annual Report to EPA on September 24, 2014. Responded to EPA comments and submitted revised Semi-Annual Report. Administered grant solicitation/grant award process, including: <ul style="list-style-type: none"> review/award of \$511,000 of FY 2014-15 Special Project agreements; processing of special project agreements through Pennsylvania's financial approval process; processing invoices for on-going special projects agreements for FY2009-2014 funds; and review of BMP projects competed with FY 2009-2014 funds. 		

Objective 2	TMDL Development	Budget for this Objective:	Total: \$1,027,500 (thru 6/30/2014) EPA Share: \$1,027,500 Non Federal Share: \$ 0
Progress for this Objective	<u>Outputs:</u> Activities for the July 2014 – December 2014 period. None. All work completed prior to this reporting period Activities for the January 2014 – June 2014 period.		

Objective 3	Chesapeake Bay Education Office	Budget for this Objective:	Total: \$149,549 (thru 6/30/2014) EPA Share \$118,414 Non Federal Share \$31,135
Progress for this Objective	<u>Outputs:</u> Activities for the July 2014 – December 2014 period. None. All work completed prior to this reporting period		

Objective 4	Technical Assistance Program	Budget for this Objective:	Total: \$ 13,241,282 (thru 6/30/2014) EPA Share: \$5,324,571 Non Federal Share: \$7,916,711
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Progress for this Objective	Deliverable	Cumulative Progress 12/31/2014	Target outcome Thru 6/30/2014	
	<i>Nutrient management plans</i>	<i>564 plans</i>	<i>160 nutrient management plans</i>	
	<i>Technical assistance to landowners</i>	<i>346 BMPs assistance provided</i>	<i>310 BMPs</i>	
	<i>Implementation Plans prepared/revised</i>	<i>30 plans</i>	<i>30 implementation plans</i>	
	<i>BMPs designed</i>	<i>289 BMPs designed</i>	<i>55 BMPs</i>	
	<i>Conservation Plans developed</i>	<i>541 plans developed</i>	<i>525 conservation plans</i>	
	<u>Outputs</u> Activities for the July 2014 – December 2014 period. None. All work completed prior to this reporting period			

Objective 5	Chesapeake Bay Cost Share Program	Budget for this Objective:	Total: \$4,573,607 (thru 12/31/2013) EPA Share: \$4,573,607 Non Federal Share: \$0
Progress for this Objective	<u>Outputs</u>		
	Deliverable	Cumulative Progress 12/31/2014	Target outcome thru 12/31/2014
	<i>No Till:</i>	<i>19,123 acres</i>	<i>20,000 acres</i>
	<i>Barnyards</i>	<i>57 practices</i>	<i>25 practices</i>
	<i>Cover Crops</i>	<i>19,000 acres</i>	<i>45,000 acres</i>
	<i>Rotational Grazing</i>	<i>266 acres</i>	<i>250 acres</i>
	<i>Stream bank Fencing</i>	<i>38.3 miles</i>	<i>25 miles</i>
Activities for the July 2014 – December 2014 period. 1117 acres of Cover Crops 5022 feet of Stream Bank Fencing 28 Acres of Fencing 32 feet of Stream Crossings 4 Nutrient Management Plans 4 Conservation Plans 1 Roofed Manure Storage			

b. Is the work under the agreement on schedule?

Response: Yes

c. Is the actual work being performed within the scope of the recipient's work plan?

Response: Yes

d. In accordance with Resource Management Directive 2520-03-P1, Responsibilities for Reviewing Unliquidated Obligations, does the most current revised workplan specify target dates and milestones for timely project completion to the maximum extent practicable?

http://intranet.epa.gov/ocfo/policies/direct/2520-03-P1_ULO.pdf

Response: Yes

e. Are the recipient's staff and facilities appropriate to handle the work under the agreement?

Response: Yes

f. Based upon the progress reports and this review, is the recipient:

- **Generally submitting progress reports as required in the award and on time?**

Response: Yes

- **Submitting products/progress reports that are acceptable?**

Response: Yes

- **Has the recipient been notified in writing that the products/progress reports received to date are acceptable or not acceptable and the project file documented accordingly? If not, please notify the recipient and document the project file as a result of this monitoring review?**

Response: Yes

- **Meeting milestones and/or targets described in the award and/or scope of work?**

Response: Yes

Note: Questions g. and h. pertain to environmental results. If your grant was awarded on or after January 1, 2005, the official date the Environmental Results Policy became effective, answer both g. and h. The CBP Grant and Cooperative Agreement Guidance states that the recipient is required to attach to each applicable performance report (semi-annual, quarterly, or final) an updated Work Plan and Progress Made Performance Results Under Assistance Agreements Form that was submitted with the grant application. If not received, obtain copy from recipient to assist in responding to questions g. and h. and to document file. If your grant was awarded prior to January 1, 2005, answer both questions as "NA".

g. Is the recipient making agreed-upon progress in achieving outcomes and outputs (to the maximum extent practicable) and associated milestones in the assistance agreement work plan?

Response: Yes

h. If the recipient is experiencing significant problems meeting agreed-upon outcomes and outputs, has the recipient been required to develop and implement a corrective action plan?

Response: No

4. Agreement Specific: POs to discuss which areas apply to this agreement, otherwise, NA:

>Reviewing progress reports and other work products to assure that the recipient is complying with the applicable programmatic regulations and programmatic terms and conditions in the agreement.

> Notifying Grants Office if the recipient is not complying with the terms and conditions of the agreement,

> Providing technical assistance to recipients when requested or required by the programmatic terms and conditions of the award.

>Assisting the recipient, where appropriate, with the development of a plan to conduct subsequent portions of the project.

a.) Pre-Award Costs:: (For more information on pre-award costs, please review: 1) GPI-00-02 (a) entitled, "Clarification on GPI 00-02 Modification to Policy Guidance for 40 CFR Part 31 Pre-Award Costs," (May 3, 2000); 2) 40 CFR 30.25(f)(1) or 40 CFR 30.28 and; 3) 40 CFR 31.23.)

- **Did the recipient incur costs prior to receiving the award?**

Response: Yes

- **If so, was the recipient's written request approved by the PO, file documented, and included on the assistance agreement?**

Response: Yes

b.) Programmatic Conditions, Regulatory, and Statutory Requirements:

1. Programmatic Conditions:

- a. Is the recipient complying with applicable programmatic terms and conditions of the award?**

Response: Yes

- b. Has the recipient submitted Quality Assurance Project Plan (s) (QAPP)? If not applicable, list N/A?**

Response: Yes

If yes, has the QAPP(s) been approved?

Response: Yes

- c. Has the recipient submitted Quality Management Plan(s) (QMP)? If not applicable, list N/A?**

Response: Yes

If yes, has the QMP(s) been approved?

Response: Yes

- d. If applicable, is an approved QMP/QAPP plan documented in file?**

(If QMP/QAPP not in file or approved, find out why? Contact is Mary Ellen Ley.)

Response: Yes

- e. Are all personnel responsible for implementing the QMP/QAPP familiar with its requirements?**

Respond N/A if not applicable.

Response: Yes

f. Is the recipient submitting quarterly payment requests? (via TIMELY PAYMENT REQUEST TERM AND CONDITION in Unliquidated Obligations Policy-GPI-11-01 Sec 12)
http://intranet.epa.gov/ogd/policy/gpi_11_01_interim_final_9_28_12.pdf

Response: Yes

2. Statutory and Regulatory Requirements: (*Statutory pertains to Clean Water Act, Sec 117; Regulatory pertains to 40 CFR Part 30 for Non-Profit Organizations and Universities and Part 31 for State and Local Governments.*)

a. Have all Statutory requirements been met?

Response: Yes. In support of the Clean Water Act, Section 117, this project supports achievement of nutrient and sediment reductions from point and non-point sources, including agricultural sources to help meet annual performance goals SP35, SP36 and SP37, which is in support of Chesapeake 2000 Agreement – Water Quality Protection & Restoration – to achieve and maintain the Water Quality necessary to support the aquatic living resources of the Bay and its tributaries and to protect human health.

b. Have all Regulatory requirements been met? (*Use this statement provided the requirements in the applicable 40 CFR Part 30 or 31 requirements are being met.*)

Response: All regulatory requirements are being met.

c.) Equipment/Supplies:

1. Did the recipient purchase equipment as planned in the agreement and was it used as planned?

Response: NA

If so, request a list of equipment indicating each item purchased and the date and dollar amount of purchase. Attach list to this protocol. (*Note: Each item and its cost must be approved in recipient's budget and purchased only during the budget/project period of this assistance agreement.*)

2. Did the recipient purchase supplies as planned in the agreement and was it used as planned?

Response: Yes

(*Note: Requested and approved supplies should represent only the supplies that are needed to complete the approved workplan. Supplies must be purchased only during the budget/project period of this assistance agreement.*)

d.) Travel: Was this authorized in the agreement and was it carried out appropriately?

Response: Yes

e.) Conferences: Did the conference comply with the Best Practices Guide for Conferences?

Response: NA

f.) Contracting practices: Written Code of Conduct/Ethics: Federal regulations require recipients to establish codes of conduct to eliminate any potential conflict of interest and to establish disciplinary actions for those violating the standards. *Note: (The minimum requirements are outlined in 40 CFR 30.42, Non-Profit Organizations, Universities; 40 CFR 31.36(3), State and Local Governments.)*

1. Contractual Costs: Were contractual/subcontract costs authorized in the assistance agreement?
Costs must be approved in the contractual budget category in the assistance agreement.

Response: Yes

If yes, answer the following questions:

- are costs consistent with the approved work plan? Yes
- budget category reflects funds for contracting? Yes
- the recipient reprogrammed funds to contracting? No
- subcontracts SOW consistent with scope of the assistance agreement? Yes

2. Does grant recipient have written contracting procedures?

Response: Yes – they are attached to all DEP contracting documents.

3. Competition: Was the contract competed/sole source; files documented?

Response: Over the five year period of this award, some contracts have been sole sourced and some have been competed. PA DEP has these documented.

g. Subawards: Subaward Policy, effective May 15, 2007, requires all new awards and supplemental amendments awarded on or after May 15, 2007 must meet the requirements of the Directive. Subaward costs must be included under the “Other” budget cost category in the assistance agreement.

1. Does the work plan contain subaward work?

Response: Yes

a. If yes, does the recipient have subawards pertinent to the agreement/amendment work plan?

Response: Yes

b. If yes, is the recipient complying with the subaward policy requirements?

Response: Yes

h.) Program Income: (POs must work with the recipient to resolve program-income related issues on agreements that generate program income.)

- Did the project generate unanticipated program income?

Response: No

i.) EPA-Furnished In Kind: Was this satisfactorily used in the assistance agreement?

Response: NA

j.) Recipient Furnished/Third Party In Kind:

- Met the conditions under 40 CFR 30.23 and 40 CFR 31.24?

Response: NA

- Were any adjustments made to the cost share?

Response: NA

5. Based upon PO review and knowledge of this award, does PO recommend:
(Yes or No Response required)

a. Award Amendment: If yes, explain if the Award Amendment has been discussed with the Program Manager, Supervisor, or Grants Specialist?

Response: No, because this grant has closed.

b. Advanced Programmatic Monitoring: If needed, discuss with Lori or Holly to either add to current list, if not already on, or next year's PO Advanced Programmatic Monitoring List in the Post Award Monitoring Plan.

Response: No

c. Administrative Review completed by Grants Office: Respond "No". If major concerns exist to check "Yes", discuss with Lori or Holly prior to responding to this question.

Response: No

d. OIG Referral: Respond "No" If major concerns exist to check "Yes", discuss with Lori or Holly prior to responding to this question.

Response: No

e. More Frequent Baseline Monitoring Reviews (less than every six months)

Response: No

6. Project Officer Suggestions and Recommendations (define as either major or minor):

Note: (Recommendations should have corresponding routes to/for resolution specified in report. Also, when major recommendations are made, EPA should explicitly require the recipient to develop and submit a corrective action plan to address the major recommendation.)

Response: Reminder, the recipient should be complying with the 2014 grant guidance.

7. Recipient Recommendations and Suggestions:

Response: None

8. Identify any areas where the recipient is significantly meeting or exceeding programmatic expectations:

Response:

9. Recommendations for the Grants Office, if any:

Response: The PROGRESS REPORT TEMPLATE financial table (page 2) may be more useful if separate columns were used for "non-Federal" and "EPA" funds, rather than just the combined "EPA & non-Federal." Also, if appropriate, a column that recognizes "committed" funds, not just those expended, may address some of EPA concerns about ULOs.

10. Closeout Process (Applicable to Closeout Review): Closeout of the award occurs when all applicable administrative actions and all required work of the grant has been completed.

Note: (Project Officer should be aware of the recipients responsibility in the closeout process and review the general regulations (40 CFR 30.71 Universities & Non-Profits and 40 CFR 31.50 State and Local Governments) on Closeout Requirements with grantee.)

a. Are any funds remaining? If so, why and what tasks were not completed?

Response: No funds are remaining. All tasks have been completed.

b. Has the Final Technical Report been submitted, reviewed, and approved?

Response: Yes, it was received March 27th.

c. Equipment/Supplies: *Project Officers should be aware and review with the recipient the disposition requirements outlined in 40 CFR 30.34 and 30.35 for Non-Profit Organizations and Universities; 40 CFR 31.32 and 31.33 for State and Local Governments. If the recipient no longer needs the equipment, please request from the recipient a list of equipment purchased, its fair market value and date of purchase.*

- **Is the recipient keeping the equipment?**

Response: NA

- **Is the recipient keeping the supplies?**

Response: Yes

RESOLUTION PLAN AND TIMING - PART III

Prepare Corrective Action Plan, if applicable, to address major recommendation(s):

1. Tell the recipient when the corrective action plan is due, and clearly state what should be addressed.

2. Tell the recipient to whom they should send the corrective action plan (EPA contact) and where to send it, including phone number.

Response:

Note:

1. Send a electronic copy of protocol to the recipient for comment.

2. cc: Holly Waldman, Annie Hamm

(Also, send to Holly & Annie any follow-up letters sent to recipient, and relevant e-mail messages)